UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/375,613	01/20/2012	Siegfried Bauernfeind	089229.00490	1034

32294 7590 05/02/2017

Squire PB (NVA/DC Office)
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
ALMANI, MOHSEN

ART UNIT	PAPER NUMBER
2159	

NOTIFICATION DATE	DELIVERY MODE
05/02/2017	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPGENERALTYC@SQUIREpb.COM
SONIA.WHITNEY@SQUIREpb.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SIEGFRIED BAUERNFEIND
and
RAMESH SHANKAR

Appeal 2016-004738
Application 13/375,613
Technology Center 2100

Before CARLA M. KRIVAK, HUNG H. BUI, and
JEFFREY A. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants[1] seek our review under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4–8, 10–12, and 14–18, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

---

[1] The real party in interest is identified as Nokia Solutions and Networks Oy. App. Br. 2.

Claimed Subject Matter

The claimed invention relates to an apparatus and methods for flexible integration of a new Network Element Type with an Element Management System in a substantially ad-hoc manner, by retrieving and integrating a definition and alarm definition of a Network Element Type with the Element Management System. Spec. 1:3–5; Abstract.

Claims 1, 8, and 12 are independent. Claim 1, reproduced below, is exemplary of the subject matter on appeal.

> 1. A method for integrating a Network Element Type with an Element Management System comprising:
>
> retrieving a Network Element Type definition;
>
> retrieving a Network Element Type Alarm definition, wherein the retrieving the Network Element Type Alarm definition comprises retrieving at least Simple-Network-Management-Protocol (SNMP) TRAP mappings data and alarm catalogue data, and the TRAP mappings data enables incoming alarms and events from the Network Element Type to be converted into X.733 format;
>
> integrating said Network Element Type definition with said Element Management System; and
>
> integrating said Network Element Type Alarm definition with said Element Management System such that said Element Management System can support said Network Element Type once said Network Element Type definition and said Network Element Type Alarm definition have been integrated with said Element Management System.

Examiner's Rejections and References

(1) Claims 1, 2, 6, 8, and 12 stand rejected under 35 U.S.C. § 103(a) as obvious over Bergeot et al. (US 2004/0215760 A1;

Oct. 28, 2004) ("Bergeot") and French et al. (EP 1079566 A2; Feb. 28, 2001) ("French"). Final Act. 3–9.

(2) Claims 4, 5, 10, 11, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as obvious over Bergeot, French, and Yoshino (US 7,076,542 B2; July 11, 2006). Final Act. 9–13.

(3) Claim 7 stands rejected under 35 U.S.C. § 103(a) as obvious over Bergeot, French, and Spencer (US 6,253,243 B1; June 26, 2001). Final Act. 13–14.

(4) Claims 16–18 stand rejected under 35 U.S.C. § 103(a) as obvious over Bergeot, French, and Schoening et al. (US 6,226,788 B1; May 1, 2001) ("Schoening"). Final Act. 15–17.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments (App. Br. 10–25; Reply Br. 2–9). We are not persuaded by Appellants' arguments. We adopt as our own the findings and reasons set forth by the Examiner in the action from which this appeal is taken and in the Answer (Ans. 4–13). We highlight and address specific arguments and findings for emphasis as follows.

Appellants argue the combination of Bergeot and French fails to teach or suggest an "Element Management System," as recited in claim 1. App. Br. 11–12; Reply Br. 3–5. Particularly, Appellants contend Bergeot's single management device D does not teach or suggest *an Element Management System*, as required by claim 1; rather, "Bergeot clearly teaches **eliminating** the use of Element Management Systems by replacing Element Management Systems with [the] single management device (D)." App. Br. 11.

Appellants assert the "single management device D (of Bergeot) is **not** equivalent to the recited Element Management System" and "cannot be properly interpreted as corresponding to the recited 'Element Management System'" because Bergeot's management device D "is intended to **remedy the drawbacks of element management systems (EMS)**." Reply Br. 3–5.

The Examiner responds that Bergeot's single management device D is commensurate with the claimed Element Management System and with the broad description of "Element Management System" in Appellants' Specification. Ans. 4, 6, 10. We agree.

Appellants' Specification describes an *Element Management System* as a software or hardware-based system supporting and managing heterogeneous network elements—such as routers, multiplexers, base stations, and cross-connects—in a telecommunication network. Ans. 4–6 (citing Spec. 1:7–18, 1:27–2:5, 3:1–6, 3:26–4:9, 9:5–13). Bergeot similarly describes an *Element Management System* (EMS) "responsible for providing the dialogue interface between the network equipment and [a] network management system." *See* Bergeot ¶¶ 2, 4, 6; Ans. 6–8. Bergeot's single, adaptive *management device or arrangement D* "*replace*[s], with advantage, *a multiplicity of element management systems (EMS)*" (*see* Bergeot ¶¶ 5, 12 (emphasis added), Fig. 1); Ans. 4, 8), but performs the same functions and, additionally, is able to support a new device added to a network (Ans. 4). Hence, Bergeot's single management device or arrangement D is an improvement to an Element Management System (Ans. 4, 8–9), not "an entirely **different device**" from the Element Management System as Appellants advocate (Reply Br. 5). Therefore, we agree with the Examiner

that Bergeot's improvement to its Element Management System is still an Element Management System. *See* Ans. 4.

Appellants also argue Bergeot does not teach or suggest "integrating said Network Element Type definition with said Element Management System," as recited in claim 1. App. Br. 12–13; Reply Br. 5–6. Appellants contend "Bergeot is **silent** regarding any network element type definition," and merely discloses descriptors and configuration files "to convert primary data into secondary data . . . [which] is entirely different than integrating a Network Element Type definition with an Element Management System." App. Br. 13 (citing Bergeot ¶¶ 40–43). We do not agree.

Contrary to Appellants' argument, we agree with the Examiner that Bergeot integrates a Network Element Type definition for a new equipment family with the management device or arrangement D (Element Management System), as required by claim 1. Ans. 10–11 (quoting Bergeot ¶ 49); Final Act. 3 (citing Bergeot ¶ 43). Particularly, Bergeot teaches "descriptors" that "contain[] all of the data necessary for management by the network management system (NMS) of at least one equipment element." Bergeot ¶ 43. Bergeot's "dedicated descriptor" contains, among other things, files containing the data that "describe the equipment type" and "describe the definition of a Management Information Base (MIB), associated with an equipment element (NE-ij) of the type considered," and further contains "at least one configuration file, of the XML type for example, containing information used to manage an equipment type in the network." *See* Bergeot ¶ 43; Ans. 9, 11. Thus, Bergeot teaches the claimed Network Element Type definition *integrated* with the Element Management System because Bergeot's definitions support network element(s) via

corresponding protocol adaptation modules "in order to *integrate a new equipment family* within the network, and then to manage it." *See* Bergeot ¶¶ 41–43, 49 (emphasis added); Ans. 8–10; Final Act. 3.

Appellants respond that "installing a protocol adaptation module (Pa-j) into a processing module (as taught by Bergeot) merely corresponds to implementing a protocol, i.e., implementing a method of dialogue/communication" which "does not correspond to *implementing a definition of the network element itself*." Reply Br. 5 (emphasis added). Bergeot's descriptors and corresponding protocol adaptation modules enable *management of network elements* by the Element Management System, which is commensurate with the broad description of integrating the definition with the Element Management System in Appellants' Specification.[2] Ans. 5–6, 10 (citing Bergeot ¶ 49; Spec. 3:26–4:9, 9:5–13); *see also* Bergeot ¶¶ 4, 43. Thus, we agree with the Examiner that Bergeot's "installation of a protocol adaptation module corresponding to the new equipment is the [claimed] process of integrating the information needed for managing the new device [network element] into the single management device [Element Management System]." Ans. 9. Appellants' contention that the use of descriptors to convert data is "**entirely different**" (App. Br.

[2] Appellants' Specification explains that "in order for the new Network Element Type *to be supported, e.g. managed*, the Element Management System has to be *aware of the definition* of the Network Element Type"; therefore, "the definition and alarm definition are *integrated* with the Element Management System so that a network element of the Network Element Type that the network operator wishes to deploy in their telecommunication *can be supported*." Spec. 3:29–4:4 (emphasis added).

13, 14) fails to explain why the Examiner's findings are alleged to lack support.

Appellants further argue Bergeot and French do not teach or suggest "integrating said Network Element Type Alarm definition with said Element Management System," as recited in claim 1. App. Br. 14–15; Reply Br. 6–7. Appellants contend "Bergeot is **silent** regarding any alarm definition," and Bergeot's descriptors merely convert primary data from a network element into secondary data for a mediation module. App. Br. 14 (citing Bergeot ¶¶ 40–43). Appellants further argue French is silent regarding integrating a Network Element Type Alarm definition with an Element Management System, as claimed. App. Br. 15.

We agree with the Examiner, however, that the combination of Bergeot and French teaches and suggests integrating a Network Element Type Alarm definition with an Element Management System. In particular, Bergeot's *descriptor*—including network element definitions stored in the management device D (Element Management System)—"*contains all of the data necessary for management* . . . of at least one equipment element," and the management includes "triggering of suitable actions" responsive to the management device D "retrieving information coming from the equipment element (NE-ij) . . . *such as alarms*." *See* Bergeot ¶¶ 38, 43 (emphasis added), 44, 56 (emphasis added); Ans. 8 (citing Bergeot ¶ 49, Figs. 2–3); Final Act. 3–4 (citing Bergeot ¶¶ 17, 36–38, 43, 56). The Examiner further finds the skilled artisan would understand Bergeot's management device D references a network element's *alarm definition* from the element's *descriptor*, in order to manage the network element's alarms by "**the triggering of suitable action**." Ans. 9, 11 (citing Bergeot ¶ 38). As

recognized by the Examiner, "without alarm definition of a device a suitable action for managing the device cannot be triggered in response to . . . alarms coming from the device." Ans. 11.

We agree with the Examiner's reasonable findings, which are further supported by French's disclosure of alarm definitions enabling alarm reporting for SNMP devices, such as the SNMP network elements described by Bergeot. Final Act. 3–4 (citing French ¶ 18; Bergeot ¶¶ 3, 44); Ans. 12. Appellants' arguments do not address the Examiner's findings directed to the combination of Bergeot's network element alarm management with French's alarm management by alarm definitions. Reply Br. 6–7.

We also are not persuaded by Appellants' argument that integrating Network Element Type and Alarm definitions with an Element Management System would render Bergeot unsatisfactory for its intended purpose. App. Br. 16; Reply Br. 7. As discussed above, we agree with the Examiner that Bergeot teaches these limitations, and Appellants' arguments do not challenge the Examiner's findings as to why one of ordinary skill in the art would have combined Bergeot with the cited teachings of French (*e.g.*, Ans. 12–13).

Accordingly, Appellants' arguments have not informed us of error in the Examiner's rejection, and we sustain the rejection of claim 1 under 35 U.S.C. § 103(a) as obvious over Bergeot and French. For the same reasons, we sustain the rejections of independent claims 8 and 12 argued for substantially the same reasons as claim 1. App. Br. 10, 17–18.

Appellants contend the obviousness rejections of dependent claims 2, 4–7, 10, 11, and 14–18 are in error for the same reasons as independent claims 1, 8, and 12. App. Br. 16–25. Appellants provide no substantive

arguments regarding the additional cited references to Yoshino, Spencer, and Schoening other than to state Yoshino, Spencer, and Schoening do not cure the deficiencies of Bergeot and French. App. Br. 19, 22–23. Appellants further recite the language of claims 2, 4–7, 10, 11, and 14–18 and assert the recited limitations are not found in the prior art. App. Br. 16–17, 19–25. Such arguments are not substantive arguments of Examiner error. *See* 37 CFR 41.37(c)(1)(iv) (2013) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim."). Thus, for the same reasons as claims 1, 8, and 12, we sustain the rejections under 35 U.S.C. § 103(a) of: (1) claims 2 and 6 as obvious over Bergeot and French; (2) claims 4, 5, 10, 11, 14, and 15 as obvious over Bergeot, French, and Yoshino; (3) claim 7 as obvious over Bergeot, French, and Spencer; and (4) claims 16–18 as obvious over Bergeot, French, and Schoening.

DECISION

The Examiner's decision rejecting claims 1, 2, 4–8, 10–12, and 14–18 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED